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How to improve the Reintegration of Children in Conflict with the Law

An analysis of the concept, key standards and practices in the MENA region

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ACRONYMS

A2D	Alternatives to Detention
A2J	Access to Justice
CAAFAG	Children Associated with Armed Forces or Armed Groups
CPMS	Child Protection Minimum Standards
CRC	Convention on the Rights of the Child
DDR	Disarmament, Demobilization and Reintegration
GC	General Comment
JRC	Juvenile Rehabilitation Center
NCM	Non-custodial measures
MENA	Middle East and North Africa
MoJ	Ministry of Justice
MoSD	Ministry of Social Development
MoSS	Ministry of Social Solidarity
PTSD	Post-traumatic Stress Disorder
RJJ	Restorative Juvenile Justice
SOP	Standard Operational Procedure
Tdh	Terre des hommes – Lausanne Foundation
WANA	West Asia-North Africa Institute

INTRODUCTION

The Tdh A2J Program's main goal is to promote that children and youth in conflict and in contact with the law access specialized and restorative justice and their rights are upheld in all judicial and non-judicial processes. This is to be achieved by the different set of projects that compose the program, currently implemented in 46 countries worldwide. In the Middle East and North Africa Region (MENA) Tdh operates in Jordan, Palestine, Lebanon, Egypt and Iraq. Afghanistan, Pakistan and Tajikistan form part of Tdh regional scope as well.

The Tdh (A2J) Program is one of the key foundations of Tdh's interventions across the world. Tdh's program strategic plan creates a comprehensive framework for action that combines axes on operations, advocacy, research and quality and accountability, with a view to creating lasting and meaningful change in the lives of children and youth in conflict and in contact with the law. Within the program, the institution has achieved to be the leading worldwide reference on restorative juvenile justice¹, contributing to develop and to improve justice systems by enhancing the restorative approach and in particular by promoting alternatives to trials, detention and specialized custodial care for children and youth, better prevention and reintegration, as well as synergies in contexts of legal pluralism among customary and official justice actors.

Within this programmatic framework, the notion of **child-friendly justice** is the cornerstone of Tdh interventions. There are several definitions of child-friendly justice², all aligned around the following axes: (i) human, and specifically, children's rights and rule of law and good governance principles should be embedded in the administration of justice for children and youth, (ii) it entails political will as well as long-term technical support to effectively enable the fundamental rights of children and youth (information, participation, support, legal representation, appeal, complaint and remedy, among others), (iii) it requires the mainstreaming of age- and gender-appropriate approaches in all types of justice proceedings (civil, administrative and criminal spheres of national jurisdictions, including customary and religious/family law justice mechanisms, international jurisdictions, as well as alternative and restorative dispute resolution mechanisms) and at all stages (including those that are pre-judicial).

While child-friendly justice seeks to guarantee all the above axes, **broadening and improving the relationship between children and youth and justice**, its ultimate goal is to improve indeed its life-long impact on children and young. And then, **this is when reintegration becomes one of the principal aims of child-friendly justice**. Those children and youth who have experienced themselves justice proceedings as a consequence of being alleged as, accused of or recognized as having infringed the law, know very well the negative impact that it can create in their lives at the short-, medium- and long- terms, especially when reintegration is not at the heart of child-friendly justice from the very beginning of the justice processes.

The reintegration of children and youth in conflict with the law can only be operationalized properly if it is grounded in a **positive sense of justice**, nurtured by their understanding of justice at one hand, and by their experience of justice on the other. A positive experience of justice for them can come from due process and from well trained and knowledgeable judges and other staff involved who apply the process of reintegration and the different steps it involves, because they well understand not only the experiences of justice but also those accumulated by children and youth much before they came into conflict with the law; which explain in many cases the journey they have followed until being part of the justice system.

Hence, **child-friendly justice is another prerequisite to the successful reintegration of children and youth in conflict with the law**, not only as a concept but also as part of the broader notion of justice for and with children and youth. **Understanding adequately the process of reintegration and how to apply it remains a must in child justice**.

¹ Definition provided in Section 2 "Key terminology".

² Definition provided in Section 2 "Key terminology".

This publication offers a specific analysis of the reintegration concept(s) included in the international and national legal frameworks in MENA, proposes 10 key standards for improving reintegration and highlights best and promising practices in the region. It also (i) provides with innovative approaches to advance reintegration, such as desistance and restorative justice, (ii) fosters its application within non-custodial processes (diversion and alternatives measures to detention) and (iii) highlights specific key approaches pertaining to the reintegration of children recruited and exploited by terrorist and violent extremist groups. It intends to clarify, update and harmonize reintegration pathways, aiming to support greater and more accurate development of the process of reintegration for children in conflict with the law, towards stronger child justice systems.

II. Key terminology³

Some terms are very linked with the scope of this publication. A review of their definition, elements within them and specific remarks are included below, to better help the understating of the successive sections.

■ ***Access to Justice (A2J) for children and youth:***

The ability to obtain a just and timely remedy for violations of rights as put forth in national and international norms and standards. It applies to civil, administrative and criminal spheres of national jurisdictions, including customary and religious justice mechanisms, international jurisdictions, as well as alternative and restorative dispute resolution mechanisms, and covers all relevant judicial proceedings, affecting children without limitation, including children alleged as, accused of, or recognized as having infringed the penal law, victims and witnesses or children coming into contact with the justice system for other reasons, such as regarding their care, custody or protection.

■ ***Aftercare:***

Control, supervision and care exercised over children after they are released from juvenile facilities/detention and designed to support children's return to their families/community with less risk of recidivism (ex. probation, counselling, enrollment in a community program, other forms of treatment, refer to alternative to detention, etc.).

Important: Aftercare is part of reintegration, but concepts are not the same and should not be used interchangeably. Aftercare happens after completion of the sentence, once the child or young are released and hence, can go back to their family, community, environment. It is recommendable that reintegration finishes between 6 months to 2 years since aftercare phase starts, depending on the concrete circumstance of the case and the person skills, available support at his/her family level, etc.

■ ***Alternatives to detention (A2D):***

Refer to measures that may be imposed on children who are being formally processed through the criminal justice system, at both pre-trial and sentencing stages that do not involve deprivation of liberty. They are also referred to "alternatives to deprivation of liberty/detention" and "non-custodial measures". They can be applied at any moment, hence from the time of apprehension until final disposition for children who have not been diverted away from judicial proceedings.

Important: The terms "alternatives to imprisonment" (as opposed to "alternatives to detention / deprivation of liberty") and "non-custodial sentencing" (as opposed to "non-custodial measures") apply specifically at the sentencing / final disposition stage. A2D requires the consent of the child and their caregivers (parents, other adults).

■ ***Child-friendly justice:***

Refers to justice systems which guarantee the respect and the effective implementation of all

³ Terre des hommes – Lausanne Foundation, Access to Justice (A2J) Programme. Glossary of key terminology, MENA, 2019.

children's rights at the highest attainable level, bearing in mind the principles of participation, best interest of the child, dignity, protection from discrimination and rule of law, and giving due consideration to the child's level of maturity and understanding and the circumstances of the case. It is, in particular, justice that is accessible, age and gender appropriate, speedy, diligent, adapted to and focused on the needs of the child and that guarantees the upholding of their specific rights.

■ **Deprivation of liberty:**

Any form of temporary detention or imprisonment or the placement of a child in a public/private custodial setting, which the child is not permitted to leave at will by order of any judicial administrative or other public institution (ex. residential placement, police lock-ups, borstal institution, treatment centers, reform schools, re-educational centers, remand homes, training center, specific juveniles facilities, adult correction facilities, high-security institution).

Important: it also includes confinement pending pre-trial release, court proceedings or disposition.

■ **Diversion:**

Diversion is a way of resolving the issue by keeping away the children in conflict with the law from judicial proceedings, in a way to avoid the negative effects of formal judicial proceedings on the child. Diversion can be instigated before arrest to any point up until the final dispositional hearing (including after pre-trial detention).

■ **Pre-trial detention:**

Detention of children before their trial. Pre-trial detention decision depends on different criteria such as previous criminal records, risk of escape or recidivism, lack of caregivers to reside/stay with, seriousness of the offence, etc.

■ **Rehabilitation:**

Refers to a broad array of psychological programs and educative services that are designed to assist

offenders in addressing a range of needs related to their behavior and achieving a more productive and satisfying lifestyle.

Important: Rehabilitation is part of reintegration, but concepts are not the same and should not be used interchangeably. Rehabilitation happens while judicial proceedings are still ongoing (pre-trial detention) and/or after sentencing (imprisonment, alternative to detention). While "reintegration" refers to the process of reentry into society or community by children in contact with the law; a process which should start at the very beginning of first contact with the law and will also finish well after the last contact with the justice system.

■ **Reintegration:**

Re-establishing of roots and a place in society for children who have conflicted with the law, so that they feel part of, and accepted by, the community. It is a social, economic and political process. Within Tdh A2J Program, reintegration includes measures (complementary – holistic approach) as low intensity counselling, family coaching, vocational training, community service, education resources, therapy groups, cultural and leisure activities, decision-making processes, reintegration kits, etc. The reintegration model promoted and applied at Tdh in the A2J Program includes interventions within a socio-ecological model approach (individuals, family, community, system).

■ **Restorative Juvenile Justice (RJJ):**

It refers to the treatment of children in conflict with the law, where the objective is to promote the reparation of the damage/offense caused to the victims, affected parties and society. This objective requires the active and joint participation of the offender, the victim and other individual members of the community to resolve problems resulting from the conflict. There are several approaches of RJJ, which can be achieved by means of reparation, restitution or community service. The objective behind RJJ is to meet the responsibilities as well as the individual and collective needs of the parties, to promote the rehabilitation and reintegration of the child in conflict with the law and the healing to the victim.



III. International and national frameworks, standards and practices

Reintegration is not just about rehabilitation, neither only about aftercare (post-release from custody) and it is not definitively a stand-alone service, but a **whole process**. While the reintegration of a child or young offender mainly takes place once s/he is out of custody, the entire police and judicial processes and staff should aim at facilitating it and at **enabling its early onset while the person is still in contact with the justice system**.

To this end, **reintegration must be a common concern and collective aim of all professionals involved in child justice from day one of a child or a young offender contacts the system**. Reintegration needs and potentialities must therefore be assessed and taken into account by all actors involved in child-friendly justice systems before, during and long after disposition of the case and release from detention or custodial care.

The legal frameworks and soft-law standards at the international level have insisted on the essential reintegration approach of the juvenile justice/child justice systems, however, they have not fully defined it, generating somehow confusion to national policy-makers when transferring and operationalizing these provisions to the national level. **This is why still, reintegration is differently understood and sometimes troubled with other concepts** (such

as rehabilitation or aftercare). This has also prevented the harmonization of the tasks of the interdisciplinary professionals working in the child justice sector and has resulted in lack of coherence in the messages and interventions that children and youth offenders perceive on the course of their police and justice-related experiences that go against the continuum of care and long-term perspective that successful reintegration requires.

At the international level

Rather than listing examples of reintegration support services, article 40 of the **UN Convention on the Rights of the Child (CRC)** set instead reintegration as **one ultimate goal of juvenile justice without specifying means to reach this goal**. In that sense, this landmark international standard leaves the door open to a variety of strategies and approaches, while establishing that support policies and services towards the reintegration of child and young offenders should be promoted, monitored and evaluated in terms of outcomes (objectives/impact), rather than just in terms of outputs (services).

The compendium of international standards set forth for the juvenile justice systems contains **fragmented hints on the reintegration of children and youth in conflict with the law**.

The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (**BEIJING RULES**,

1985), provides that necessary assistance (helpful and practical) must be provided to juveniles “at all stages of the proceedings” (rule 24.1) in addition to foster semi-institutional arrangements, such as half-way houses, educational homes, day-time training centers to facilitate reintegration (rule 29.1).

The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women (BANGKOK RULES, 2011) includes interesting provisions such as: (i) the need of specialized capacity building programmes for staff facilitating the process of reintegration (rule 29); (ii) the importance of designing and implementing comprehensive pre- and post-release reintegration programmes which take into account the gender-specific needs (rule 46); and, related, (iii) the additional support following releases which shall be provided (psychological, medical, legal and practical help) to ensure that reintegration is accompanied (rule 47).

The United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990) rounds on the idea that specific actions or services to be available after release should indeed be provided to children and youth while in custodial care to precisely assist properly and transitionally towards a successful reintegration (rule 80).

The Guidelines for Action on Children in the Criminal Justice System (VIENNA GUIDELINES, 1996) focuses on the need for the child in custody to keep family/peer relationships with those not in custody so as to not lose social ties that would help him/her through his/her reintegration (para. 20). It also stresses diversion and non-custodial measures as partial ways in which reintegration can be strengthened.

But it is indeed, the recently released CRC General Comment No. 24 (2019) on Children’s Rights in the Child Justice System the one which condenses the essence of the reintegration of children in conflict with the law.

- It states that it is essential to avoid keeping official registries of children or young offenders

given that those can hinder access to opportunities (housing, education, work, social network) for reintegration and the assumption of “a constructive role in the society” (para. 69 and 70).

- It also recommends that when **judicial dispositions should** be given by judges referring a child case, due weight is to be given to the child’s best interests as a primary consideration as well as to the need to **promote the child’s reintegration** into society (para. 76). Detention as a measure of last resort and for the shorter time possible is also crucial because of “its negative effects on their prospects for successful reintegration” (para. 77). Same applies for life imprisonment without parole (para. 81) which the Committee rejects.

- Treatment and conditions while children are deprived of liberty (e.g. separation from adults) are to be taken into account in a way that they do not compromise their health, basic safety, physical environment, accommodation, etc. and, hence, their future ability to remain free of crime and to reintegrate (para. 92 and 95(b)).

- The CRC GC 24/2019 refers to the **specific cases of children recruited and used by non-State armed groups, including those designated as terrorist groups, and children charged in counter-terrorism contexts**, for whom “social” reintegration is not only compelling but even deeper (para. 99,100 and 101). (See Section IV below)

- Finally, it is highlighted the need of ensuring regular **evaluations**, particularly referring to the **effectiveness of the measures taken, and in relation to reintegration**, preferably carried out by independent academic institutions (para. 114).

Important to mention that the just released **United Nations Global Study on Children Deprived of Liberty (2019)** which has gathered the voice of many children in custody with whom Tdh works, stresses the fact that those children have repeatedly say that “they are struggling to access support for reintegration” (General Assembly Resolution A/74/136, 11 July 2019).

How national frameworks have translated from international norms and standards and foreseen reintegration of children in conflict with the law?

In the last decade, countries in the MENA region have made an effort to align their legal frameworks to the requirements of the international conventions they ratified. They are firmly and progressively advancing in the production of specific laws and by-laws to operationalize the juvenile justice/child justice system within their national constituencies.

However, the conceptualization of the reintegration process to be mainstreamed in all the non-judicial and judicial stages remains uncomplete and sometimes it is blurred with other concepts, even though the spirit of the laws captures its essence. This lack of legal clarification (loophole) prevents in many situations that reintegration of children and youth in conflict with the justice system is well understood and, hence, planned, executed, monitored and evaluated accordingly.

In **JORDAN**, the Juvenile Law 32/2014 does not mention reintegration as such, but rehabilitation and reform in a way that may imply the purpose of reintegration. For instance, Article 4.a) stipulates that “the best interest, protection, reform, rehabilitation and welfare of the juvenile shall be observed when applying the provisions of the present law”. The rehabilitation’s meaning in this law, concretely speaking, is elaborated in Article 24 which contains the alternative measures to detention. One of those measures is “enrolling the juveniles in rehabilitation programs organized by the Ministry or by a civil society institution or any other party approved by the Minister”. It is only another regulatory instrument, the Regulations on the Application of Non-Custodial Penalties of 2015, where (Art. 4) it is highlighted that the one of the main goals of the alternative to detention measures is “to reintegrate the child within his community”.

PROMISING PRACTICE: Tdh is currently supporting the Ministry of Social Development (MoSD) to elaborate a **comprehensive curriculum to activate in practice the alternative measure to detention of rehabilitation as mentioned above. This curriculum is embedding the reintegration approach at all stages of the measure**, providing a range of services, skills and professional guidance tailored to the individual cases and customized for the national staff capacity (governmental and civil society institutions/organizations) to be progressively specialized. It also includes follow-up and accountability mechanisms. In addition, Tdh Jordan is currently involved in the revision of the implementation policy for the activation of the non-custodial measure community service, which similarly, will mainstream the reintegration approach through all the stages of the measure.

In **LEBANON**, the Law 422/2002 on the Protection of Juveniles in Conflict with the Law or at Risk, does not mention as such reintegration, but rehabilitation with a meaning that may be interpreted broadly. Indeed, rehabilitation is foreseen as a measure for those that are deprived of liberty by a sentence only (arts. 5 and 13). In particular, this rehabilitation measure “aims at placing the juvenile in a reformatory institute for not less than 6 months” where (depending on the range of services offered by the institution in question), education, health and psychosocial needs will be “supervised”.

This Law also sets forth the discretion of the judges to apply the measure of rehabilitation to those children at risk of being in conflict with the law (art 26) as a way of protecting them, but does not specify if they will be placed in the same institutions as those sentenced with deprivation of liberty, which would not be the most suitable measure for them.

Furthermore, this legal instrument cites “rehabilitative plans” (art. 52) giving the competency to the Ministry of Justice (MoJ) to coordinate the interdisciplinary work required to design, implement and monitor them.

BEST PRACTICE: In Lebanon, the Ministry of Social Development (MoSD) approved in 2016 an “Operational Toolkit: Standard Operational Procedures (SOPs) for the Protection of Juveniles”, which covers only children at risk or in need of protection channeled through the system with a similar status than the “juveniles”. A review of these SOPs to include specific pathways for children in conflict with the law and considering the updated international framework on Child Justice would be required, bridging an opportunity to strengthen the mainstreaming of reintegration across all stages. Tdh has developed a specific **Mental Health and Psychosocial Support framework for children in justice proceedings** (in conflict and in contact with the law) that will be beneficial in the review of the SOPs towards increased specialization of multi-sectoral services within a child protection case management approach. Applying a holistic and effective reintegration approach through the different stages children exposed to justice procedures go through requires counting with a **child protection case management system**.

In **PALESTINE**, the process of reintegration is well grounded in the Law No. 4/2016 on the Protection of Juveniles and it is differentiated from rehabilitation as such. Rehabilitation is a mean towards the reintegration of children and youth in conflict with the law back in the society. Its definition of “*best interest of the child*” highlights the importance of examining carefully according to the concrete case,

the “*methods of rehabilitation*” as well as “*the process of reintegration in society*”.

The treatment of the child or youth in conflict with the law should be facilitating for “the reintegration in society” (Art. 7).

Going a step beyond, the National Action Plan for the Activation of the Law No. 4/2016, refers to concrete actions to ensure a successful reintegration of the child:

- ✓ Ensuring the involvement of children in the planning and implementation of services and involving former youth in conflict with the law who proved their non-return to delinquency to mentor those going through the reintegration process.
- ✓ Assignment of the child protection counsellor the responsibility to follow-up cases after the measure (custodial or non-custodial) ends to better support the reintegration in the aftercare phase, contributing to the **continuum of the reintegration process**.

The Law No. 4/2016 currently applies only in the West Bank. Gaza Strip follows the Juvenile Offenders Ordinance No.2/1937, which does not contain any provision on reintegration as such. However, current practices in the Strip are indeed applying somehow a stronger reintegration pathway exceeding the safeguarding regulated by the Ordinance. It is worth to note that the Ordinance (art. 18) allows the judge to consider the application of other regulatory instruments suitable for the child.



BEST PRACTICE: In Palestine, Juvenile Rehabilitation Centers for those children deprived of liberty have been progressively incorporating a reintegration approach within their activities. Supported by Tdh, MoSD, the judiciary and other stakeholders, **Al Rabee'a Juvenile Rehabilitation Centre in the Gaza Strip is actively fostering the partial or total release of children** with better behavior and potential for passing to the aftercare phase of the reintegration through external vocational training course (as a non-custodial measure). While deprived of liberty, family visits are better organized with more regular schedules and the curriculum of psychosocial, recreational and educational activities is being increased.

Dar Al Amal Juvenile Rehabilitation Center in Ramallah (West Bank) includes in its curriculum activities with former children in conflict with the law successfully reintegrated, weekly cultural visits (library, theatre, concert) outside the center, **sport championships with children who have never been in conflict with the law**, etc. The boys in Dar Al Amal are in charge of cooking, cleaning their own facilities, they run an orchard/garden, and organize activities for their peers.

It is essential that detention staff and those professionals working with the children deprived of liberty understand and apply the highest standards of reintegration every day since the 1st day the children are registered into those centers.

In **IRAQ**, the Juvenile Law No. 76/1983 highlights reintegration as the main goal of the aftercare which is defined as follows (Art. 99): *"taking care of the juvenile after completion of his/her sentence at the rehabilitation schools to ensure his/her reintegration within his/her community and to prevent him/her from repeating the unlawful act"*.

BEST PRACTICE: The so-called rehabilitation schools in Iraq integrates several services directed to the reintegration (in the aftercare/post-release phase) of children such as education, vocational training, life skills course. **A comprehensive curriculum of services within these centres is crucial**, given the several and interdependent complex dimensions it entails; thus, requiring a multidisciplinary process and trained staff to make it possible.

Although the legal framework gives room for effective actions towards reintegration, understaffing of government social workers makes it challenging. Among others, Tdh is supporting the social workers at the Ministry of Justice to handle children/youth within trauma-sensitive and right-based approaches, offer them group sessions on anger management and impulse control and conduct **family coaching to prepare them for appropriate support towards their reintegration**. Tdh also collaborates with the Ministry of Education conducting **peace education in schools in order to reintegrate children/youth involved with armed groups in a cohesive environment**.

In addition, Tdh in Iraq has developed specific tools supporting reintegration: (1) SOPs for social work with children in detention (English and Arabic), (2) Reintegration kits guidelines, (3) Low intensity counselling: do's and don'ts, (4) Family coaching guide (English and Arabic) and (4) Peace education module for youth community (English and Arabic).

In **EGYPT**, rehabilitation is a mean to achieve the reintegration of children and youth in conflict with the law. The Child Law No. 126/2008 assigns the Child Court to appoint experts who shall visit the different institutions where children in conflict with the law or at risk are placed (e.g. "observation centers, training and rehabilitation centers, social

care institutions, specialized hospitals, punitive institutions”) to ensure that the above institutions “are complying with their obligations to rehabilitate the child and assist him/her to reintegrate into society” (art. 134). The article indeed marks a timeline (a monitoring visit should occur at least every 3 months).

For those children and youth in conflict with the law who have not reached fifteen years of age, the law foresees a non-custodial measure named “training and rehabilitation” (art. 101 and 137) consisting in placing the child in “factories, stores, farms, etc. which have accepted to train the child” provided that it won’t last more than 3 years and won’t interfere with the basic education of the child.

BEST PRACTICE: For the first time in the country, Tdh has piloted a cooperation agreement with the private sector for the reintegration of children in conflict with the law through alternatives to detention. Under the scope of Corporate Social Responsibility in Aramex, several male and female youth in conflict with the law were provided with a working opportunity (trainees) in 2018. In 2019, the scheme was successfully replicated with Vodafone. It is worth mentioning the importance of supporting and facilitating (with the correspondent supervision) activities outside the justice environment and/or detention centers, to progressively reconnect with the society, to believe in the possibility of new/improved social ties and to start feeling as a citizenship with potential to show. Planning for income-generating activities highly contribute to their **self-autonomy and self-esteem**, essential prerequisites for successful reintegration.

Watch out Tdh’s video > Aramex Internship: A Reintegration Pathway for Children in Conflict with the Law in Egypt. <https://vimeo.com/350906208>

In addition, Tdh Egypt is developing the

curriculum for the alternative measure to detention of rehabilitation, mainstreaming a holistic reintegration approach within it in cooperation with the Ministry of Social Solidarity (MoSS) and the Ministry of Justice. At the same time, a capacity building program for the **set-up of qualified social probation offices** is being operated so the curriculum can be activated with the required logistic and human means.

In **AFGHANISTAN**, the Juvenile Code adopted in 2005 refers specifically to reintegration of children in cases where they are sentenced to be placed in “Social Services Institutions” (as an alternative to detention or an alternative to imprisonment). The conceptualization of this reintegration at the level of the aforementioned institutions is foreseen in the law to be holistic: “While the juvenile court makes a decision about placing the child in one of the social services institutions, details and arrangements for education, vocational training, employment, programs for free time and medical care of the child shall also be explained as part of the decision” (art. 58.2). The Annex (2) to Criminal Procedural Code on Implementation of Alternatives to Imprisonment and Detention (2018), to which Tdh contributed to pertaining advocacy and technical support, states clearly that reintegration is the aim of the implementation of alternatives to imprisonment and alternatives to detention (art. 1.5). It specifically addresses reintegration of children in conflict with the law pertaining to one of the alternatives it contains: (1) “Dispatching to social services institutions” which refers to “government and private orphanages, probation centers, Islamic schools (Madrasa), schools, profession learning centers and other similar places” aiming at providing a “safe life environment” for the children in conflict with the law out of detention. It mandates to these Social Services Institutions to monitor, support and “pave the ground for his/her return to normal live and his/her reintegration to the society” (art. 53). Any of the alternatives imposed by a judge can be amended at any time if it is required “to safeguard the interests of the child regarding his/her education and reintegration into family and society” (art. 56). However, this reintegration approach is not explicit for the rest of the alternatives the Annex foresees.



When dealing with children sentenced to be deprived of their liberty, the Afghan Juvenile Code refers to rehabilitation only. Indeed, detention places for children are named “Juvenile Rehabilitation Centers”. Nevertheless, it could be understood from a complete reading of the Juvenile Code, that the aim of rehabilitation should encompass a sort of aggregated services. For instance, the quarterly report on the progress of the rehabilitation of children incarcerated to be sent to the judges from the social staff at the detention places should include “psychological and medical development of the child” (art. 60.8).

Consequently, there is a need to greatly mainstream reintegration as a comprehensive process in the Afghan juvenile legislation and incorporate at the policy level, formal procedures (e.g. SOPs) to ensure it at all stages of the justice process, including the aftercare phase. Particularly, when deprived of liberty, the reintegration approach should be conducive to prepare a safe and sustainable release of children during the aftercare phase.

BEST PRACTICE: Alongside with governmental and civil society organizations, Tdh works in the Juvenile Rehabilitation Centers (JRCs) in Kabul, Nangarhar, Takhar and Herat, **putting in place a comprehensive care program while children and youth are incarcerated which applies a reintegration approach.** It focuses on their dignity and agency as fundamental pillars around the actions carried out. Education/literacy classes, recreational, vocational training, restorative justice awareness sessions and life skills, peer and family groups support, psychosocial counselling, primary health corners established at the JRCs and internal referrals for more specific health services when needed encompass the basic package offered, applying an individualized avenue for each child using child protection case management system. In parallel, Tdh supports **the development of “Integration Centers” at the community level** to which children access once deprivation of liberty is served. This smooth transition into the aftercare / post-release phase of the reintegration process, supported by communities to which children and youth go back, is an effective, safer, local and child-friendly approach to reintegration. In those “Integration Centers” they can continue having available a range of services, including **income-generating support**, tailored to the vocational training followed while in detention that they can continue at the centers. Vocational training post-graduation follow-up and support in linking the youth with employers is provided for a minimum of 6 months.

The above brief legal analysis highlights the **still room for improvement in the national frameworks** to conceptualize, make visible and mainstream reintegration of children in conflict with the law. Failure to appropriately define reintegration and elaborate on the minimum standards it shall entail has the risk to hinder children's and youth's transition towards renewed individual and social opportunities, increasing, in turn, the chances of

recidivism and perpetuating the cycle of violence they fall into. **But it also tells about the positive legal progress that has happened in the region.** While the inclusion of accurate legal provisions is essential and often a precondition to ensure suitable law enforcement, the current legal frameworks in the referred countries allow (with different levels) for the reinforced application of reintegration at all stages of the proceedings (from arrest till aftercare). It is, hence, **an obligation** of the public authorities, institutions and practitioners **to ensure the knowledge, skills and safety procedures to put reintegration into greater practice.**

IV. The 10 key standards of reintegration of children in conflict with the law

Through **10 fundamental, interrelated and practical standards** elaborated below, the process of reintegration of children in conflict with the law has the potential to be reinforced and further considered and activated within national contexts in the MENA region:

1. Reintegration shall be a holistic process that requires different dimensions of action

An interdependent and multidimensional range of services should be provided. The selection of these services shall be made according to the needs of the child/young in question previously assessed thoroughly (see Standard 2 below), rather than provided accordingly to their availability in a given place/time.

Common practice in the region shows that reintegration is too often focusing on one aspect (e.g. psychosocial support, vocational training) at the expense of other aspects (e.g. social networks, life skills, cognitive behavioral therapies) equally important.

The multidimensional approach when designing and providing services should consider and tackle the different risk and protective factors following when possible the socio-ecological model (individuals, family, community, system),

thus, looking holistically at the different factors and layers impacting a child's life (see Standard 9 below).

At a minimum, **holisticness** requires that the services to be provided are based on a multidisciplinary understanding of the reintegration process and address its key dimensions: health (including mental health and sexual reproductive health when required), psychosocial support, education, vocational training and income-generating opportunities, life skills, peer and mentorship programs, cultural and sports activities and social networks. Specialized therapies and treatment should be foreseen to complement the basic service packages as well as activities around restorative justice (see Section VI below). Together they should contribute to ensure a self-directing living for the reintegrated child/young. **Each country should develop a specific and comprehensive curricula of reintegration services at all stages of child justice.**

Moreover, reintegration activities shall be three-pronged: (1) should seek to help children/youth transitioning from crime to renewed individual and social opportunities, (2) should foster the healing of victims directly from the child/youth offender (as per of his/her reintegration when possible) and (3) should involve families and community members to view and treat children in conflict with the law the same as other children.



2. One size does NOT fit all – Individual and tailored approach

Due to limited resources and given the still lack of accurate conceptualization of reintegration in laws and policies (and, in turn, the gap in specific training for different professionals involved), reintegration processes are at risk of being conceived using

one-size-fits-all approach or, as highlighted, being blurred with rehabilitation services or only focusing on the aftercare phase.

While proven methodologies, their related tools and then pilot actions shall be specifically designed, those should accommodate a **degree of flexibility** such that an **individualized approach** can be **ensured**. The experience of children can be extremely different, so as their environments, socioeconomic conditions, risk and protective factors and beyond its different moment of life and personality. Proper **assessment tools** of the individual/family/social situation and needs are thus crucial and should be available to different professionals (from different backgrounds: social workers, police, probation officers, child counsellors, prosecutors, judges etc.) in contact with the child since s/he enters the system. **Reintegration Individual Plan** should be in place and mandatorily activated and used throughout the whole process and connected with child protection case management systems in place in the country or similar pathways available.

3. It must be **participatory**. It is a **MUST** that **the child/young is meaningfully involved** in his/her own reintegration

It is evident that children should be at the heart of well-designed and effective child justice systems. Their participation is not only a mandatory standard, but a fundamental right enshrined in all international frameworks and in most of the national ones; however not enough practiced.

The meaningful participation and involvement of children/youth in their own reintegration is, obviously, **the crucial element of the equation to achieve the results sought: a self-directed life by them far away from crime and the justice system**. If children/youth do not participate in all decisions concerning their reintegration pathway, from the design of the Reintegration Individual Plan to its closure and follow-up, then, not only positive impact would be hard to achieve but also reintegration won't comply with their best interest.

The different professionals involved in supporting and accompanying the reintegration process shall believe in and apply this standard to the highest level and shall **guide and help the child/youth to consider carefully all his/her options** with all the information at hand provided in a way they can fully understand. **Respect for the informed decisions of children/youth is sine qua non** for their real participation.



4. Reintegration is **dynamic** and, thus, subject to be reviewed

The reintegration of children in conflict with the law is a process which then should be mainstreamed in all stages of the child justice system (see Section V below). When reintegration is appropriately planned and it works, **progressive changes at different levels will be present in the life of the child/young concerned**. Hence, it is indispensable a close accompaniment of the child/young by trained professionals with different expertise who can **monitor the evolution and, together with the child/young, adjust the Reintegration Individual Plan designed in the first place**. It is advisable in average to make a joint review by the professionals involved, child/young and family if appropriate every 3 to 6 months, but the periodicity will depend on the case at stake and may not be linear.

Some recent international instruments address, to some extent, the issue of children and young people engaged in terrorist offences and how the justice sector should interact with them, but fail to do so in a comprehensive way.

5. Specialization without “special treatment”

Reintegration processes for children in conflict with the law need specialization which shall be present at the level of laws and policies, at the level of tools, guidance and methodologies and definitively at the level of interdisciplinary teams. The lives, factors, and situations children in conflict with the law face are very specific and hence, should be addressed with the required specialization they demand.

But this is to be taken carefully as reintegration shall involve a progressive socialization process with peers, family and overall communities. **Designing and implementing “ad hoc” reintegration programs, circling those to certain categorizations of children may indeed be counterproductive for successful reintegration, given the additional stigma, “label” and isolation it may pose to them.** It also might produce that children in the process of being reintegrated can only perceive themselves as always to be considered dangerous, criminals and then hindering their hopes, motivation and opportunities. It is crucial that professionals involved in the reintegration of children in conflict with the law avoid judgements or categories and focus on understanding their concrete situation and potential.

Reintegration measures that foster activities in and for the community, healthy relationships with peers who have not experienced justice issues and/or mentorship with former reintegrated youth are proven effective actions which should be greatly considered.

In addition, while counting with specialized case management systems and SOPs for children in conflict with the law are pre-requisites for a successful reintegration, it should not be forgotten that those children should benefit from pre-existing and general child protection systems not necessarily linked with the justice ones.

6. It should entail co-management and co-responsibility

Because reintegration is not meant to be a stand-alone service or a one-way road, but a complex and multidimensional process, the involvement of well-trained (with ongoing training to be provided), specialized and interdisciplinary professionals is key for the successful reintegration of children in conflict with the law. This involvement needs to be agreed and regulated, with clear roles and strong coordination mechanisms working together in an effective way (avoiding delays, bureaucracy, etc.) considering that all of them are duty-bearers and responsible for reintegration to be granted and developed with all due standards.

A central referent: the case manager

While it is widely agreed and proved that the interdisciplinary work to happen effectively relies on a well-functioning case management system, **the role of case manager tends to be somehow transferred from one agent of the system (police, justice, child welfare) to another, at various stages of judicial procedures.** Despite technological and methodological tools at their disposal, the different professionals on the system do not coordinate properly, affecting largely the reintegration process of the child/youth in question. The principle of having a central referent able to convene (and inform) the different professionals and partners in the reintegration process of the child/young in conflict with the law needs to be established in many countries. The key is that a shift – or at least a better linkage and increased focus - might need to be made from a case-management of the judicial decision-making and implementation process, to a **case-management of the reintegration process.**

The responsibility for managing interdisciplinary interventions and stages in the reintegration process is to be placed on a case manager collaborating with various institutions and services. This may help to bridge the gaps often observed between psychosocial and educational work, between mental health needs and detention regime, between training and motivation or follow-up placement, etc.

Co-management and co-responsibility reach as well, and very particularly, the child/youth subjected to reintegration. S/he has the right to participate but also the duty to do his/her best to cooperate and comply with the agreed process. Their families and community members should be part of this shared scheme.

7. Reintegration shall ensure the **continuity of care, a long-term approach and accompanied follow-up**

Designing and implementing appropriate reintegration programs require considering the “continuity of care” approach throughout all stages. This care, as previously mentioned, should be holistic, individualized and specialized.

In order to activate the “*continuity of care*” approach within the reintegration of children in conflict with the law, there are five elements that should always be oversight:

(i) **Continuity of control**, supervision and accompaniment by professionals, by also by family, peers and community members to be involved.

(ii) **Continuity in the range of holistic services provided**, focusing on the needs and not only on the availability of those.

(iii) **Continuity in programme and service content**, ensuring that disruptions because of funding gaps, lack of trained professionals, inefficient coordination mechanisms and/or logistics issues are controlled and overcome.

(iv) **Continuity of social environment**, given that reintegration aims at reconstructing the social ties, any intervention should at all times incorpo-

rate social networks and peer, family and community related interventions complementary of the other different services provided.

(v) **Continuity of attachment**, mainly of the child/young by stimulating his/her participation and ownership of the process, by supporting the child/young to narrate, assume and take responsibility of his/her behavior so that his/her life experience is not denied as an unlawful past, but revisited in terms of remaining emotions, reasons and actions and by guiding and encouraging the potential to overcome the harm caused and become a citizenship with a constructive and contributing role in life and within society.

While depending on the assessment of the case, in general, the “continuity of care” implies per se a **long-term approach** of the reintegration programs, as ensuring appropriate follow-up is a key component of the support provided to the children, their families and communities. Accordingly, reintegration programs **required continued, rather than “ad hoc”, investment and the involvement of State and non-State actors.**

8. Reintegration **should prevent institutional dependency** from the beginning

After living for a certain period in a collective setting, child and young offenders deprived of liberty run the risk of developing (or confirming) a tendency to passivity and dependency towards the responsible adults and towards the institution (exacerbated by the obedience, passivity and sense of hierarchy directions often imposed while in custody). This is a very specific issue in itself to be prevented at all cost. But it is strongly connected to the responsibility of the institution and the child justice system not to abandon the child/young when s/he comes out.



This leads directly to the fact that **efforts to prevent institutional dependency won't be achieved if they do not go hand in hand with "continuity of care"**. Two interlinked sides should be considered within the reintegration of the child/young. On the one hand, when custody measures are inevitable, key elements of custody must be carefully weighed and planned to minimize institutional dependency. These include: the duration of custody, the conditions of custody, the regularity and type of contacts with the outside world, the possibility to develop life skills, and individual participation and responsibility in activities and daily life while deprived of liberty. On the other hand, the five essential elements which form "continuity of care" (see Standard 7) should be available and provided to child/young offenders to prevent change from custody to aftercare from being too radical and lead to social problems and, potentially, re-offending.

Hence, if reintegration is well understood and applied by all agents of the chain of justice, even before a child/young offender is sent to prison, the judge (advised by the interdisciplinary team working of the case) would have into account those elements before adjudicating a deprivation of liberty sentence. **Reintegration of children in conflict with the law implies a change of child justice and child protection systems' mindset at all levels.**

9. It should address as priority **offending behaviors and promoting factors of resilience**

The reintegration process should be individually focused, community-based and build on the strengths and resilience of children, families and communities.

A number of evidence-based methodologies exist to assess risk and protective factors of the offenders. New trends are shifting the approaches considered in the past decades which focused primarily on studying the offending behavior to predict future criminal acts (likelihood of recidivism). Updated interventions are being tweaked towards addressing offending behavior and not simply repressing it. Preserving and restoring the sense of dignity and identity requires to unravel past episodes. Child and youth offenders need to be heard and accompanied to understand

themselves and find meaning both in their past and their future life. At the same time, they require to believe and to focus on their strengths and protective factors; those that will make possible the positive transition and that will make them more resilient to drive their reintegration successfully.

Tdh supports and apply a **desistance approach to crime** to be embedded in the reintegration of children in conflict with the law. The desistance approach concerns the process through which a person ceases criminal and/or antisocial behavior. Desistance supports those who have committed a crime to enter a new phase of life characterized by the absence of crime but furthermore the adoption of a new lifestyle and a sense of belonging to the community.

Desistance theory is characterized by: (i) A focus on the successes of the individual rather than the failures. **A resilience-based approach which requires to think about and respect individual strengths, abilities, decision-making capacity and agency, but also to consider relational and environmental elements:** "what I want my life to be, realistically?"; (ii) Emphasis on promoting better lives after offending has occurred, and therefore contributes to reducing recidivism; (iii) Promotion of full participation of children and youth by placing them at the heart of the interventions.

Check out Tdh's report: *"Theoretical framework to guide interventions with children in conflict with the law. Promoting desistance from crime and restorative justice in Tdh programming"*.

10. It should be **realistic** by all means as otherwise reintegration won't happen exacerbating the risk on re-entering in the justice system

The development of effective reintegration programs largely depends on the real political will of States to comply with the international commitments made, but beyond that, within their own societies, to make them safer, more solidary and collective ones and to invest in the "social capital" that children and youth represent in them. If reintegration of children in conflict with the law is to succeed, then it is required

to have a **coherent and grounded national strategy/policy** which identifies the key steps in the development of concrete and feasible interventions, which analyses and takes into account local needs, which involves the training of the appropriate professionals avoiding rotation in the positions if they hold a public job and which allocates financial resources.

Referring to realistic reintegration approach **implies to acknowledge and assume crucial but often forgotten elements**, such as the time. Despite adequate and comprehensive service provisions, **the children/youth may not immediately behave as expected**, which in many systems will result in a reduction of support services or provisions, contributing to hindering the reintegration pathway and exponentially exacerbating the spiral of recidivism and hopeless feelings. Criminal records of children/youth are another element that can jeopardize an initial successful reintegration if opportunities in the outside world are shut down for them.

Specific considerations for the reintegration of children recruited and exploited by terrorist and violent extremist groups

While the abovementioned standards are common to all children subjected to reintegration, undoubtedly those who have been recruited and exploited by terrorists and violent extremist groups face a complex set of specific challenges during their reintegration that should be considered from the planning phase all through the implementation, review, follow-up and evaluation ones.

- Violence has a severe impact on the physical and mental health of the children. Those coming from such traumatic situations may have sustained physical injuries, chronic diseases, post-traumatic stress disorder (PTSD), impairments, etc. Furthermore, especially (but not exclusively) girls are at a particular risk of sexually transmitted infections (that can be extended to their babies) with high chances to endanger their sexual and reproductive health. **Reintegration of these children should deeply consider specialized and continuous health services.**

- Strong stigmatization and rejection of and by families and communities, including being ostracized because they may have been forced to violate social norms, values and beliefs or act directly against their own families/communities is, unfortunately, common experience children face. Indoctrination and continuous exposure to violence make the reintegration pathway particularly challenging, where evidence-based “deradicalization/disengagement” approaches are to be more effectively developed as they currently lack grounded basis, should be voluntary and they risk posing additional harms. Holisticness and specialized programs should be put in place, being **specifically careful on the terminology and the exposure that terminology may entail for these children** (e.g. extra isolation, permanent “labelling”). With the appropriate safety procedures in place and well-trained staff, **socialization with other children subjected to reintegration** during certain service provision is advisable.

The Minimum Standards for Child Protection in Humanitarian Action (CPMS) updated version of 2019 contains the Standard 11: Children Associated with Armed Forces or Armed Groups (CAAF-AG). Among others, it stresses the importance of using **neutral terminology**. Publicly identifying them may increase stigma or place children at higher risk.

- While they should be considered victims of crime, these children usually end up being dragged into the formal justice system, accused on terrorism/national security grounds and being exposed to the most severe conditions and violation of their rights. Hence, **secondary victimization within the justice system is to be highly considered** and appropriate support provided from the justice sphere (policies, training, specific measures) with additional child protection standards is highly advisable.

As highlighted in Section 2 above, the CRC GC 24/2019 has included for the first time the recognition and need of Child Justice Systems to accommodate the specific situations of children recruited and exploited by non-State armed groups, including those designated as terrorist groups, and children exposed to justice procedures within counter-terrorism national frameworks, urging tailored (child protection specific) actions from the States (legal and social).

- The reintegration plan for these children requires a deep knowledge and analysis of the “*conflict journey*” they have experienced, the circumstances in which they were recruited and/or exploited. Government and other actors applying **Disarmament, Demobilization and Reintegration (DDR) approaches and operations**, should greatly mainstream **child protection standards**, an area which requires further work and development, including ongoing monitoring and evaluation. In situations where the child was forced to leave his/her country and, thus, may have lost family connections including being exposed to foreign authorities, reintegration shall include opportunities for family tracing and reunification, where multidisciplinary (cross-border) expertise is essential.
- Despite the severity of the situations in which they were and may continue, a resilience-based approach is to be mainstreamed in the whole process of reintegration of children. Focusing on the protective factors, strengths and potential of the children and youth presents a much more sustainable and child-friendly way of reintegration.



In 2018, Tdh and WANA Institute jointly developed a policy research “**Reconceptualizing the drivers of violent extremism: an agenda for child & youth resilience**”, aiming at presenting a comprehensive and practical picture of positive protective responses around resilience and violent extremism.

V. What are the different justice processes in which reintegration should be applied?

It is common that reintegration is associated with support services after release from custody only. But reintegration, as commented above, should be definitively much more than that. Being reintegration of children in conflict with the law the central goal and ultimate desirable outcome of an effective and well-planned child justice system, then, **reintegration must apply to all child/young offenders, including those who benefit from diversion of alternatives measures to detention (both, under the typology of non-custodial measures)**. Having said that, it is important to acknowledge that, in principle, non-custodial measures should (or are thought to) improve per se the reintegration of children/youth at least to a greater extent than those deprived of liberty, fenced off from their regular life, social networks, etc. Reintegration programs should be stronger for those who have been detained or placed in a custodial setting as they combine the double challenge of overcoming the impact of institutional care and the stigma of their offending behavior/offence.

Reintegration process and standards must apply to children and youth in custody (in pre-trial detention and deprived of liberty by sentence), but also to those benefiting from a non-custodial measure scheme, whether diversion or alternatives to detention. This comprehensive reintegration approach should be at the heart of all Child Justice Systems, acknowledged in laws and policies and implemented in practice.

Specific remarks should be made concerning pre-trial detention of children/youth. In practice and despite reiterated specifications issued by the Committee on the Rights of the Child, it is often excessive due to

delays in the judicial processes. Rights and opportunities in pre-trial detention are limited due to the very nature and purpose of this type of custody. Pre-trial detention is in the MENA region the most common practice, having a large number of children and youth in conflict with the law under this type of custody. This is clearly an indication that child justice systems need to be urgently reviewed. Children and youth in police custody or pre-trial detention are receiving a punishment before having a fair trial and a confirmed judgment.

Indeed, it is normally (and it applies to MENA countries generally) **in police custody and pre-trial detention, rather than in custody facilities, that most violations of international (and national) standards are witnessed**, from non-separation from adults, denial of information and visits, including correspondent legal aid, to inhuman and degrading treatment. Furthermore, given that police custody and/or pre-trial detention takes place at the very initial stage of the judicial process, few elements are to be considered: the child/young is most vulnerable and receptive to any external information but also to risks, aggression, threats, etc.; it is experienced by many of those found later on in the justice system; by definition it also includes children/youth who are innocent and will be later release (but a potential big harm is done already); and, children/youth directly released from police after being arrested/detained do not receive any support as no reintegration system is in place for them, but they hold indeed a high risk of re-offending precisely because of the lack of support provided.

Hence, **police custody and/or pre-trial detention is an important opportunity for the systematic introduction of all those at risk into successful reintegration approaches**. Instead, it is often a moment when the few remaining inner resources of a child are lost through abuse or denial of appropriate and child-friendly justice apparatus.

Finally, **pertaining non-custodial measures schemes**, it is important to highlight that for them to be embedded in a comprehensive reintegration approach, there is an important pending challenge to address: diversion and alternatives to detention usually refer to one single service (e.g. vocational

training, psychosocial support, community service). What is missing is the multidimensional nature of the reintegration which requires to provide, according to an individual plan, a range of services for the child and their families and communities. Otherwise, reintegration won't comply with its ultimate result.

This wider conceptualization is timely crucial in the region, where most of the countries are investing in setting up a solid and efficient system of non-custodial measures.

The United Nations Standard Minimum Rules for Non-Custodial Measures (**TOKYO RULES, 2009**), emphasizes the need of having at children's/youth's disposal "a wide range of post-sentencing alternatives in order to avoid institutionalization and to assist offenders in their early reintegration into society" (rule 9). In addition, child/young offenders should "be provided with psychological, social and material assistance and with opportunities to strengthen links with the community to facilitate their reintegration into society" (rule 10). Therefore, reintegration is to be granted and achieved by all children/youth, including within the non-custodial mechanisms.



VI. Restorative justice as a paradigm conducive of reintegration

Restorative justice represents radical change of paradigm away from combined traditional welfare and punitive justice approaches to juvenile offending. Restorative justice has been defined from a wider perspective as a **response to crime that respects the dignity and equality of each person, builds understanding and promotes social harmony through the healing of victims, offenders and communities.** Restorative justice starts from a different and broader conception of the crime itself, since it is not perceived just as an infringement of the law, but acknowledges that the child offender harms the victim, the community and him/herself. It considers that society is formed by the conjunction of individual interests which forms the social fabric, broken when a crime is committed. Restorative justice processes aim at bringing the different interest of the parties (victim, offender and community) together, where indeed each of them play a crucial role in the resolution of a case.

Within restorative justice processes child/young offenders clarify relationships, responsibilities and accountabilities, allowing both victims and offenders to make sense of their experience as a starting point to rebuild their lives after the crime. It also has the potential to change perceptions and consequences of offending (why) for them and can thus make reintegration of the offender both possible and desirable even in the eyes of the victim and the community.

The **ECOSOC Resolution 2002/12 “Basic Principles on the Use of Restorative Justice Programs in Criminal Matters”** actually defines “restorative outcome” as an agreement reached as a result of a restorative process. Restorative outcomes include responses and programs such as reparation, restitution and community service, aimed at meeting the individual and collective needs and responsibilities of the parties and achieving the reintegration of the victim and the offender.

It also highlights that even when a restorative process is not suitable or possible, and then the case is to be referred to the criminal justice

system, there is a responsibility on the criminal justice officials who shall endeavor to encourage the offender to take responsibility vis-à-vis the victim and affected communities and **support the reintegration of the victim and the offender into the community.**

There are a number of already developed tools and methodologies being put in place around restorative justice in the MENA region, such as juvenile mediation, peace circles or family group conferencing which have indeed a lot to offer in terms of defining relevant objectives and criteria of reintegration of children in conflict with the law.

While reintegration should be an individualized process that looks into the specifics and potential of the child/young in question, and thus restorative justice approaches may not be suitable for all cases, there are elements such as the child’s/young offender’s positive self-assessment including shifts in relationships and behaviors, the victim’s recovery and the reinforced social ties with the families and the communities that should be **complementary elements** in whatever reintegration pathway is decided, to make it **durable and conducive of positive personal development for the children and youth.**



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